

LEGISLATIVE VERSION

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

WATER CONSERVATION GARDEN AUTHORITY

(Adopted April 10, 2002)¹

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

~~All Authority Officials who manage public investments are included in and governed by this Conflict of Interest Code only with respect to its disqualification provisions. For purposes of disclosure, all Authority Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are subject to the statutory conflict of interest provisions of Article 2 of Chapter 7 of the Political Reform Act of 1974 (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)]~~

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments²:

¹ Titles update as of September 20, 2004.

² Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

Members of the Board of Directors and Alternates

~~General Manager~~ Executive Director

Treasurer

Financial Consultants

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Garden Promotions Programs Coordinator	6
General Counsel	1, 2
Members, Executive Advisory Committee	5
Water Conservation Manager	6
Xeriscape Conservation Garden Facility Admin.	6
Consultant ³	

³ Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in, and sources of income from, business entities that do business or own real property within the jurisdiction of the Authority, plan to do business or own real property within the jurisdiction of the Authority within the next year, or have done business or owned real property within the jurisdiction of the Authority within the past two (2) years.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the Authority.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Authority, plan to engage in such activities within the jurisdiction of the Authority within the next year, or have engaged in such activities within the jurisdiction of the Authority within the past two (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Authority.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Regulations of the Fair Political Practices Commission

TITLE 2, DIVISION 6, CALIFORNIA CODE OF REGULATIONS

18752. Nonsubstantive Amendments of Conflict of Interest Codes

(a) A state agency or a local government agency with jurisdiction in more than one county may make nonsubstantive alterations of a conflict of interest code for its agency.

(b) No alteration of a conflict of interest code shall be deemed nonsubstantive until the agency has requested and received prior written approval from the Executive Director of the Fair Political Practices Commission, or his or her designee, to classify the alteration as nonsubstantive.

(c) Each request for a nonsubstantive alteration shall be in writing and shall be accompanied by:

(1) The conflict of interest code for the agency showing the proposed nonsubstantive amendments in strikeout/underscore format;

(2) A brief description of the proposed amendments; and

(3) A declaration by the chief executive officer of the agency declaring that the code specifically enumerates each of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material financial effect on any financial interest.

(d) The Executive Director, or his or her designee, shall respond in writing to each request for interim approval within 30 calendar days of receipt.

(e) Nonsubstantive alterations of conflict of interest codes shall be limited to the following:

(1) The reclassification or renaming of previously designated positions, provided no designated positions are created and provided no existing disclosure responsibilities are modified;

(2) The deletion of a position for which the classification has been abolished by the agency;

(3) The addition, deletion or modification of definitional or operational provisions of a conflict of interest code in conformity to a statutory amendment, a regulation of the Fair Political Practices Commission, a decision of the California Supreme Court, or a final decision of a California Court of Appeal; or

(4) The modification of any provision of a conflict of interest code, provided no disclosure or disqualification obligation of any designated employee is disturbed thereby.

(f) Nonsubstantive amendments to a state agency conflict of interest code which have been approved by the Executive Director or his or her designee shall be transmitted within 30 days by the agency to the Office of Administrative Law for filing with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Division 1 of Title 2 of the Government Code. When the agency files the nonsubstantive amendments with the Office of Administrative Law, it shall:

(1) Indicate that it is transmitting a conflict of interest code approved by the Fair Political Practices Commission for filing; and

(2) Request that the Office of Administrative Law publish the code in its entirety, or request that the Office of Administrative Law print an appropriate reference to the agency's code in its title of the California Code of Regulations.

(g) The nonsubstantive amendments to the conflict of interest code shall become effective on the thirtieth day after approval by the Executive Director or his or her designee or in the case of a state agency, the thirtieth day after the date of filing with the Secretary of State.

Note: Authority: Section 83112, Gov. Code

Reference: Section 87306, Gov. Code

History

(1) New section filed 6-3-77; effective thirtieth day thereafter.

(2) Amendment of subsection (a) filed 4-28-82; effective thirtieth day thereafter.

(3) Amendment filed 1-11-83; effective thirtieth day thereafter.

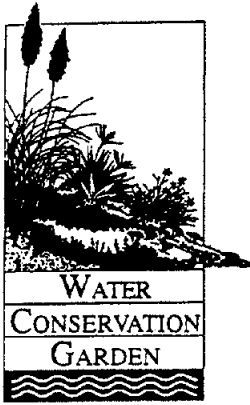
(4) Amendment filed 4-21-92; effective thirtieth day thereafter.

Sample Language for Public Officials Who Manage Public Investments

The following positions are NOT covered by the code because they must file under Section 87200 and, therefore, are listed for informational purposes only:

(list position)

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.



Certification

I, Sarah M. Arnold, Secretary of the Water Conservation Garden Authority, do hereby certify the foregoing to be a true and exact excerpt of the minutes of October 9, 2002, of the Water Conservation Garden Authority at the date set forth.

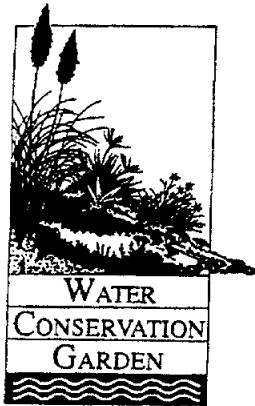
IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September 2004.



Sarah M. Arnold, Secretary

Minutes of October 9, 2002


On Motion by Director Lewinger, seconded by Director Thompson and unanimously carried with Director Lewis absent, the Board concurred with Otay Water District's request to reclassify the Garden Promotions Coordinator position to Garden Programs Manager and approve the modification of the 2002-03 budget to increase salary expenditures from surplus by approximately \$4,200 for the Garden Programs Manager position. The Board declared that this action would be effective immediately.



Certification

I, Sarah M. Arnold, Secretary of the Water Conservation Garden Authority, do hereby certify the foregoing to be a true and exact excerpt of the minutes of September 8, 2004, of the Water Conservation Garden Authority at the date set forth.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September 2004.



Sarah M. Arnold, Secretary

7. The title of General Manager was entered into the Appendix of the Conflict of Interest Code of the Water Conservation Garden Authority when the Code was adopted on April 10, 2002. That title was never used. An Executive Director was hired on August 16, 2004, and staff recommends that the title of General Manager be changed to Executive Director. Additionally, the title of Water Conservation Manager was entered into the Code during the period when Otay Water District was lead agency. The position of Water Conservation Manager no longer exists within the current organization structure. On motion by Director Lewinger, seconded by Director Croucher, and unanimously carried with Director Thompson absent, the title of General Manager was changed to Executive Director and the title of Water Conservation Manager was deleted.

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THOMAS J PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

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